

Judge Robert S. Lasnik

UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

UNITED STATES OF AMERICA,
Plaintiff,

v.

MICHAEL JOHN DEROCHE,
Defendant.

NO. CR19-197 RSL

DISCOVERY PROTECTIVE ORDER

This matter, having come to the Court's attention on the Stipulation for Entry of a Discovery Protective Order, having considered the motion, and being fully advised in this matter, hereby enters the following PROTECTIVE ORDER:

1. Protected Material

The following documents and materials are deemed Protected Material. The United States will make available copies of the Protected Materials, including those filed under seal, to defense counsel to comply with the government's discovery obligations. Possession of copies of the Protected Materials is limited to the defense attorneys of record, and investigators, paralegals, law clerks, experts, and assistants for the attorneys of record (hereinafter collectively referred to as members of the defense team). This category of Protected Materials will be marked and labeled as "PROTECTED" by the government:

- a. Grand Jury transcripts and exhibits; and
- b. Materials identifying the name or operation of a specific platform for sharing files that is the subject of the parties' stipulation;

2. Scope of Review of Protected Material

Defense attorneys of record and members of the defense team may display and review the Protected Material with the defendant. The attorneys of record and members of the defense team acknowledge that providing copies of the Protected Material to the defendant and other persons is prohibited, and agree not to duplicate or provide copies of Protected Material to the defendant and other persons.

3. Consent to Terms of Protective Order

Members of the defense team shall provide written consent and acknowledgement that they will each be bound by the terms and conditions of this Protective Order. The written consent need not be disclosed or produced to the United States unless requested by the Assistant United States Attorney and ordered by the Court.

4. Parties' Reciprocal Discovery Obligations

Nothing in this order should be construed as imposing any discovery obligations on the government or the defendant that are different from those imposed by case law and Rule 16 of the Federal Rules of Criminal Procedure, and the Local Criminal Rules.

5. Filing of Protected Material

Any Protected Material or information contained therein that is filed with the Court in connection with pre-trial motions, trial, sentencing, or other matter before this Court, shall be filed under seal and shall remain sealed until otherwise ordered by this Court. This does not entitle either party to seal their filings as a matter of course. The parties are required to comply in all respects to the relevant local and federal rules of criminal procedure pertaining to the sealing of court documents.

6. Non-termination

The provisions of this Order shall not terminate at the conclusion of this prosecution.

1 7. Violation of Protective Order

2 Any violation of any term or condition of this Order by the Defendant, his
3 attorney(s) of record, or any member of the defense team may result in contempt of court,
4 and/or monetary or other sanctions as deemed appropriate by this Court.

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1 If the defendant violates any term or condition of this Order, the United States
2 reserves its right to seek a sentencing enhancement for obstruction of justice, or to file
3 any criminal charges relating to the Defendant's violation.

4 DATED this 7th day of November, 2019.

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8 ROBERT S. LASNIK
9 United States Magistrate Judge

10 Presented by:

11 s/ Matthew P. Hampton
12 MATTHEW P. HAMPTON
13 Assistant United States Attorney

14 s/ Gregory Geist
15 GREGORY GEIST
16 MOHAMMAD ALI HAMOUDI
17 Assistant Federal Public Defenders
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